

PUBLIC SERVICE COMMISSION OF WISCONSIN

Minutes and Informal Instructions of the Open Meeting of
Thursday, January 16, 2020

The Public Service Commission of Wisconsin (Commission) met as noticed. Present were Chairperson Valcq, Commissioner Nowak and Commissioner Huebsch.

Minutes

The Commission approved the minutes of the open meeting of Wednesday, January 8, 2020.

4220-RM-104 - Application of Northern States Power Company-Wisconsin for its 2020-2021 Gas Risk Management Plan

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

6680-RM-105 - Application of Wisconsin Power and Light Company for Approval of its Risk Management Plan for Hedging

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

5-CG-105 - Application of Wisconsin Electric Power Company, Wisconsin Public Service Corporation, and Wisconsin Gas LLC for Authority to Construct a New Compressor Station in the Township of Ray in Macomb County, Michigan

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

2670-WI-100 - Investigation into the Village of Iola, Waupaca County, Wisconsin, as a Water Public Utility, for the Construction of a Non-Routine Meter Replacement Project

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

9698-CE-100 - Application of South Shore Energy, LLC and Dairyland Power Cooperative for a Certificate of Public Convenience and Necessity for the Nemadji Trail Energy Center Combined-Cycle Project, to be Located in the City of Superior, Douglas County, Wisconsin

The Commission discussed the application of South Energy, LLC and Dairyland Cooperative (collectively, applicants) for a Certificate of Public Convenience and Necessity (CPCN) for the Nemadji Trail Energy Center Combined-Cycle project (Project), and made the following preliminary determinations.

Request for Leave to Supplement the Record

The Commission accepted into the record the following evidence as filed into the record: Aquifer Report-Rebuttal-Applicants-DeAngelis ([PSC REF#: 380748](#)); Aquifer Report-Rebuttal-Applicants-Soutter ([PSC REF#: 380753](#)); Ex.-Applicants-DeAngelis-15 ([PSC REF#: 380751](#)); Ex.-PSC-Kitsebel-1 ([PSC REF#: 381692](#)); Final Aquifer Report Testimony-SC-Cherkauer ([PSC REF#: 381917](#)); and Ex.-Sierra Club-Cherkauer-1 ([PSC REF#: 381918](#)).

Discussion of Record

The Commission discussed the record, and determined it was in the public interest to approve, with conditions, the application of the applicants for a CPCN to construct and operate the Project.

Chairperson Valcq dissents.

The Commission made the following additional determinations:

1. The Commission accepted the uncontested alternative in the Final Decision Matrix ([PSC REF#: 381402](#)) for Issue 2.
2. There are no Energy Priority Law alternatives that exist that are cost-effective, technically feasible, and environmentally sound alternatives to the Project.
3. The Project will comply with Wis. Stat. § 196.491(3)(d)6. And will not unreasonably interfere with the orderly land use and development plans for the area involved.
4. The Project uses brownfields to the extent practicable as required by Wis. Stat. § 196.491(3)(d)8.
5. Both the Nemadji River Site and the Hill Avenue Site meet the siting criteria of Wis. Stat. s§ 196.491(3)(d)3, with conditions as determined by the Commission.

Chairperson Valcq dissents.

6. The Commission authorizes the Nemadji River Site for the Project.

Chairperson Valcq dissents.

7. The following conditions shall be attached to the construction of the Project:
- a. If the applicants enter into any arrangement with another party regarding ownership of the Project, applicants shall provide prior notice to the Commission.
 - b. The applicants are authorized to construct the facilities as approved by this Final Decision using the Nemadji River Site. Chairperson Valcq dissents as she would not have authorized the construction, but to the extent authorized it shall be constructed as approved by this Final Decision.
 - c. All necessary federal, state, and local permits shall be secured by the applications prior to commencement of construction.
 - d. The applicants shall inform the Commission of the final expected nameplate capacity for the Project.
 - e. If the applicants do not begin on site physical construction of the authorized Project within one year of the time period specified by this Final Decision, the CPCN authorizing the approved Project for which construction has not commenced shall become void unless the applicants:
 - i. file a written request for an extension of time with the Commission before the effective date on which the CPCN becomes void, and
 - ii. are granted an extension by the Commission.
 - f. This Final Decision takes effect one day after the date of service.
 - g. Jurisdiction is retained.
 - h. The applicants shall construct the Project in conformance with the design specified in its application, and the subject to the conditions specified in this Final Decision. Should the scope, design or location of the Project change significantly, the applicants shall notify the Commission within 30 days of becoming aware of possible changes.
 - i. Until the Project is fully operational, the applicants shall submit quarterly progress reports to the Commission that summarize the status of construction, the status of environmental control activities, and the overall percent of physical completion. The applicants shall include a summary of its consultations with DNR and other agencies concerning the issuance of necessary permits. The date when construction commences shall be duly included in the report for that quarter. The first report is due for the quarter ending June 30, 2020, and each report shall be filed within 30 days after the end of the quarter.
 - j. The applicants shall comply with the National Electric Code or the National Electric Safety Code and Wis. Admin. Code ch. PSC 114, as appropriate. In the

case of conflict or overlap between code requirements, the applicants shall comply with the more stringent code requirement.

8. The applicants shall implement all practicable mitigation methods when working in and adjacent to wetlands, including when working on slopes leading to wetlands, to minimize the impacts of the Project to wetlands, including the following:
 - a. Applicants shall avoid equipment access in wetlands, wherever possible;
 - b. Applicants shall site off-Right of Way (ROW) access roads, laydown yards, and staging areas outside of wetlands;
 - c. Applicants shall mark the boundary of wetlands prior to construction;
 - d. Applicants shall limit construction in wetlands to winter months when soils and water are frozen and vegetation is dormant;
 - e. Applicants shall use construction matting and wide-track vehicles to spread the distribution of equipment weight when crossing wetlands during the growing season or when wetlands are not stable or not frozen;
 - f. Applicants shall use adjacent roads and existing off-ROW access roads for vehicle access when possible;
 - g. Applicants shall site structures and access roads on the edges of wetlands rather than in the middle of wetland to avoid fragmenting wetland complexes;
 - h. Applicants shall reduce the construction workspace in wetlands;
 - i. Applicants shall install effective, site-specific sediment and erosion control measures and devices prior to construction activities and must maintain the devices during construction and restoration phases. These devices must be inspected daily to ensure they are in working order. If they are not in working order, they must be fixed and/or replaced immediately wetlands;
 - j. Applicants shall implement a construction sequencing plan that minimizes the amount of land disturbed or exposed (susceptible to erosion) at one given time across the Project;
 - k. Applicants shall isolate all soil piles with perimeter sediment control devices, and place all soils piles in wetlands on top of construction mats to prevent soil mixing;
 - l. Applicants shall use alternative construction methods and equipment such as helicopters, marsh buggies, and vibratory caisson foundations;
 - m. Applicants shall prepare and implement an invasive species management plan that identifies known areas of invasive species populations and addresses site restoration activities and includes equipment decontamination protocols to minimize the spread of invasive species;
 - n. Applicants shall minimize the amount of vegetation clearing in wetland and conversion of wetland types;
 - o. Applicants shall remove all brush piles, wood chips, and woody debris from wetlands following clearing activities;

- p. Applicants shall conduct surface and sub-surface assessments prior to construction, including hydrology and soil evaluations; modify the engineering plans as needed to avoid and minimize long-term impacts to surface and subsurface resources and to re-establish conditions postconstruction;
 - q. Applicants shall prepare and implement dewatering practices that prevent sedimentation into wetlands;
 - r. Applicants shall schedule construction to avoid disrupting sensitive species;
 - s. Applicants shall limit the amount of time necessary to complete construction;
 - t. Applicants shall construct ponds and sediment basins as soon as possible, and ensure all permanent postconstruction stormwater management practices are designed to accommodate the additional runoff from new impervious surfaces and the loss of flood storage caused by permanently filling wetlands;
 - u. Applicants shall revegetate disturbed areas of exposed soil as soon as possible, and seed with a cover crop and/or native seed mix to help prevent the establishment of invasive species;
 - v. Applicants shall prepare and implement an invasive species management plan that identifies known areas of invasive species populations and addresses site restoration activities and includes equipment decontamination protocols to minimize the spread of invasive species.
9. The applicants shall implement all practicable mitigation methods when working in and adjacent to waterways, including when working on slopes leading to waterways, to minimize the impacts of the Project to waterways, including the following:
- a. Applicants shall mark the locations of waterways prior to construction;
 - b. Applicants shall use alternative equipment access, including off-ROW access roads, and installation methods to avoid needing to cross waterways with equipment;
 - c. Applicants shall install effective, site-specific sediment and erosion control measures and devices prior to any construction activity and must maintain the devices during construction and restoration phases. These devices must be inspected daily to ensure they are in working order. If they are not in working order, they must be fixed and/or replaced immediately;
 - d. Applicants shall implement a construction sequencing plan that minimizes the amount of land disturbed or exposed (susceptible to erosion) at one given time across the Project;
 - e. Applicants shall isolate all soil piles from adjacent waterways with perimeter erosion control devices;
 - f. Applicants shall revegetate disturbed areas and areas of exposed soil as soon as possible;
 - g. Applicants shall leave existing vegetative buffers undisturbed whenever possible, or vegetation clearing should be kept to a minimum in riparian zones. For areas where construction impacts cannot be avoided, low-growing native tree

- and shrub buffers along these streams should be allowed to regrow and/or should be replanted to maintain the pre-construction water quality in the streams;
- h. Applicants must avoid the use of herbicides near waterways, or utilize herbicides approved for use in aquatic environments;
 - i. Applicants shall conduct surface and sub-surface assessments prior to construction, including hydrology and soil evaluations; modify the engineering plans as needed to avoid and minimize long-term impacts to surface and subsurface resources and to re-establish conditions post-construction;
 - j. Applicants shall prepare and implement dewatering practices to prevent sedimentation into waterways;
 - k. Applicants shall avoid the withdrawal of water from surface waters;
 - l. Applicants shall mark temporary clear span bridges (“TCSBs”) to alert navigators;
 - m. Applicants shall restore waterway banks and beds to pre-existing conditions;
 - n. Applicants shall schedule construction to avoid disrupting sensitive species;
 - o. Applicants shall limit the amount of time necessary to complete construction;
 - p. Applicants shall check equipment for fluid leaks before crossing TCSBs;
 - q. Applicants shall anchor TCSBs to prevent them washing away during high flow conditions;
 - r. Applicants shall monitor TCSBs daily for debris and remove debris as necessary;
 - s. Applicants shall locate TCSBs to avoid unique or sensitive portions of these waterways, (e.g., riffles, pools, spawning beds, etc.);
 - t. To avoid sedimentation into waterways, applicants shall install appropriate sediment control best management practices (“BMPs”) under and on the sides of the TCSB during the installation, use, and removal of TCSBs, and those BMPs must be regularly inspected and maintained throughout the Project;
 - u. Applicants shall construct ponds and sediment basins as soon as possible and ensure all permanent postconstruction stormwater management practices are designed to direct runoff to those stormwater management practices and not adjacent waterways;
 - v. Applicants shall not construct cofferdams from earthen material;
 - w. Applicants shall avoid dredging work during high-flow conditions;
 - x. Applicants shall continuously monitor weather forecasts to know when rainfall is expected during dredging activities;
 - y. Applicants shall monitor water flows throughout dredging activity;
 - z. Applicants shall operate equipment from the banks or from a TCSB during dredging activities, and not from the waterway bed;
 - aa. Applicants shall size the stream bypass system used during dredging activities based on expected flow for the time of construction at each waterway to ensure the level of flow expected is appropriately and effectively managed;
 - bb. Applicants shall use appropriate energy dissipation measures to minimize bed scour of the waterway;

- cc. Applicants shall use floating, screened intakes during dredging activities to minimize sediment transport and prevent impacts to aquatic species;
 - dd. Applicants shall segregate excavated stream bed layers to help facilitate restoration. The soil layers should be returned to their pre-existing location, and bed elevations restored to match pre-construction conditions;
 - ee. Applicants shall remove workzone isolation systems, such as cofferdams, gradually and use in-water sediment control devices such as a silt curtain to minimize downstream impacts;
 - ff. Applicants shall monitor and maintain any fences placed across waterways on a regular basis to address debris accumulation.
10. The applicants shall submit the Final Erosion and Stormwater Control Plan to the Commission prior to the commencement of construction, after the plan has been reviewed and permitted by the Wisconsin Department of Natural Resources (DNR) as part of DNR's Construction Site Stormwater Permit process. The plan shall be followed during construction.
11. The applicants shall work with DNR to follow all required actions within the Endangered Resources (ER) Review, and survey for rare plant species listed in the ER Review, notifying the DNR of what was found. If rare plant species are identified, the applicants shall work with DNR to implement an appropriate relocation plan prior to the start of construction.
12. The applicants shall commence construction of the Project no later than one year after the applicants have received all necessary federal, state, and local permits and approvals.
13. The applicants shall hire and employ an independent environmental monitor to assist the regulatory agencies in ensuring compliance with regulatory requirements, including order and permit conditions. The independent monitor shall be funded by the applicants, and would report directly to Commission and DNR staff. The applicants shall work with the Commission and DNR to identify responsibilities and reporting requirements for the independent monitor. A Request for Proposal for the independent monitor shall be issued in consultation with Commission and DNR staff.
14. The applicants shall perform pre-and post-construction noise studies as described in the most current version of the PSC Noise Measurement Protocol. The applicants shall work with Commission staff to determine appropriate locations and conditions for the noise measurements. In the event of a substantial change to the proposed facility layout, the applicants shall confer with Commission staff to determine if a new pre-construction

noise study must be completed. The applicants shall file a copy of the post-construction noise study report with the Commission.

15. The applicants shall provide an updated Endangered Resources (ER) Review to the DNR and Commission if the commencement of construction occurs greater than one year after the initial ER Review and at any point the ER Review is greater than 1 year old while construction is still taking place.
16. Following the issuance of all required permits by DNR, applicants shall work with the staff of the DNR and the Commission to identify any duplicative, conflicting or unnecessary environmental conditions imposed by this Final Decision. Applicants may seek a waiver from the Commission for any such conditions. The Commission delegates authority to approve such waiver requests to the Administrators for the Division of Energy Regulation and Analysis and the Division of Digital Access, Consumer and Environmental Affairs.

Chairperson Valcq dissents from this condition. Chairperson Valcq also dissents as she would have added the additional conditions proposed by Clean Wisconsin.

17. Applicants and their contractors, successors, assigns, and corporate affiliates shall comply with all of the commitments included in their application and subsequent filings in this docket, and the provisions of the Final Decision.
18. The Commission has complied with the Wisconsin Environmental Policy Act (WEPA) pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4.
19. The Project, as conditioned by the Commission's approval, will not have an undue adverse environmental impact.

Chairperson Valcq dissents.

20. The Commission grants a CPCN for the Project, with conditions.

Chairperson Valcq dissents.

The Commission directed the Division of Energy Regulation and Analysis to draft a final decision consistent with its discussion, and that the draft final decision be returned to the Commission for approval.

9698-CE-101 - Application of South Shore Energy, LLC and Dairyland Power Cooperative for a Certificate of Public Convenience and Necessity for a 345 Kilovolt Tie Line to Connect the Proposed Nemadji Trail Energy Center to the Existing Transmission System, to be Located in the City of Superior, the Town of Superior, and the Town of Parkland, Douglas County, Wisconsin

The Commission discussed this matter, determined that it was in the public interest to approve the application of South Shore Energy, LLC and Dairyland Power Cooperative (collectively, applicants) for a Certificate of Public Convenience and Necessity (CPCN) to construct and operation a 345 kilovolt tie line (Project) to connect the proposed Nemadji Trail Energy Center (NTEC) to the existing transmission system.

Chairperson Valcq dissents.

The Commission made the following additional preliminary determinations:

1. The uncontested alternatives for Issues 1, 2 and 3 as identified in the Final Decision Matrix ([PSC REF#: 381404](#)) were accepted.
2. The Commission authorizes the Eastern Route.
3. The following conditions shall apply to the Project:
 - a. If the applicants enter into any arrangement with another party regarding ownership of the Project, applicants shall provide prior notice to the Commission.
 - b. The applicants are authorized to construct the facilities as approved by this Final Decision using the Eastern Route.
 - c. All necessary federal, state, and local permits shall be secured by the applications prior to commencement of construction.
 - d. If the applicants do not begin on site physical construction of the authorized Project within one year of the time period specified by this Final Decision, the CPCN authorizing the approved Project for which construction has not commenced shall become void unless the applicants:
 - i. file a written request for an extension of time with the Commission before the effective date on which the CPCN becomes void, and
 - ii. are granted an extension by the Commission.
 - e. This Final Decision takes effect one day after the date of service.
 - f. Jurisdiction is retained.

- g. The applicants shall construct the Project in conformance with the design specified in its application, and the subject to the conditions specified in this Final Decision. Should the scope, design or location of the Project change significantly, the applicants shall notify the Commission within 30 days of becoming aware of possible changes. Notification is specifically required if the cost of the Project exceeds the authorized cost by more than 10 percent.
 - h. Applicants shall be required to report actual costs;
 - i. Until the Project is fully operational, the applicants shall submit quarterly progress reports to the Commission that summarize the status of construction, the status of environmental control activities, and the overall percent of physical completion. The applicants shall include a summary of its consultations with DNR and other agencies concerning the issuance of necessary permits. The date when construction commences shall be duly included in the report for that quarter. The first report is due for the quarter ending June 30, 2020, and each report shall be filed within 30 days after the end of the quarter.
 - j. The applicants shall comply with the National Electric Code or the National Electric Safety Code and Wis. Admin. Code ch. PSC 114, as appropriate. In the case of conflict or overlap between code requirements, the applicants shall comply with the more stringent code requirement.
 - k. The applicants shall be allowed minor routing flexibility consistent with that granted in previous transmission line Project dockets.
 - l. Applicants shall work with landowners and DNR to minimize impacts to wetlands.
 - m. Applicants shall provide a geographic information system database of the Project as constructed.
4. The applicants shall implement all practicable mitigation methods when working in and adjacent to wetlands, including when working on slope leading to wetlands, to minimize the impacts of the Project to wetlands, including the following:
- a. Applicants shall route the transmission line away from wetlands;
 - b. Applicants shall adjust structure placements to span wetlands;
 - c. Applicants shall avoid equipment access in wetlands, wherever possible;
 - d. Applicants shall site off-ROW access roads, laydown yards, and staging areas outside of wetlands;
 - e. Applicants shall mark the boundary of wetlands prior to construction;
 - f. Applicants shall limit construction in wetlands to winter months when soils and water are frozen and vegetation is dormant;

- g. Applicants shall use construction matting and wide-track vehicles to spread the distribution of equipment weight when crossing wetlands during the growing season or when wetlands are not stable or not frozen;
- h. Applicants shall use adjacent roads and existing off-ROW access roads for vehicle access when possible;
- i. Applicants shall site structures and access roads on the edges of wetlands rather than in the middle of wetland to avoid fragmenting wetland complexes;
- j. Applicants shall reduce the construction workspace in wetlands;
- k. Applicants shall install effective, site-specific sediment and erosion control measures and devices prior to construction activities and must maintain the devices during construction and restoration phases. These devices must be inspected daily to ensure they are in working order. If they are not in working order, they must be fixed and/or replaced immediately wetlands;
- l. Applicants shall implement a construction sequencing plan that minimizes the amount of land disturbed or exposed (susceptible to erosion) at one given time across the Project;
- m. Applicants shall isolate all soil piles with perimeter sediment control devices, and place all soils piles in wetlands on top of construction mats to prevent soil mixing;
- n. Applicants shall use alternative construction methods and equipment such as helicopters, marsh buggies, and vibratory caisson foundations;
- o. Applicants shall prepare and implement an invasive species management plan that identifies known areas of invasive species populations and addresses site restoration activities and includes equipment decontamination protocols to minimize the spread of invasive species;
- p. Applicants shall minimize the amount of vegetation clearing in wetland and conversion of wetland types;
- q. Applicants shall remove all brush piles, wood chips, and woody debris from wetlands following clearing activities;
- r. Applicants shall conduct surface and sub-surface assessments prior to construction, including hydrology and soil evaluations; modify the engineering plans as needed to avoid and minimize long-term impacts to surface and subsurface resources and to re-establish conditions postconstruction;
- s. Applicants shall prepare and implement dewatering practices that prevent sedimentation into wetlands;
- t. Applicants shall schedule construction to avoid disrupting sensitive species;
- u. Applicants shall limit the amount of time necessary to complete construction;
- v. Applicants shall construct ponds and sediment basins as soon as possible, and ensure all permanent postconstruction stormwater management practices are designed to accommodate the additional runoff from new impervious surfaces and the loss of flood storage caused by permanently filling wetlands;
- w. Applicants shall minimize wetland fill as much as possible by minimizing or modifying the footprint of the switching stations and staging areas.

5. The applicants shall implement all practicable mitigation methods when working in and adjacent to waterways, including when working on slopes leading to waterways, to minimize the impacts of the Project to waterways, including the following:
 - a. Applicants shall contain equipment access on waterway banks to frozen ground conditions, or use construction matting;
 - b. Applicants shall mark the locations of waterways prior to construction;
 - c. Applicants shall use alternative equipment access, including off-ROW access roads, and installation methods to avoid needing to cross waterways with equipment;
 - d. Applicants shall install effective, site-specific sediment and erosion control measures and devices prior to any construction activity and must maintain the devices during construction and restoration phases. These devices must be inspected daily to ensure they are in working order. If they are not in working order, they must be fixed and/or replaced immediately;
 - e. Applicants shall implement a construction sequencing plan that minimizes the amount of land disturbed or exposed (susceptible to erosion) at one given time across the Project;
 - f. Applicants shall isolate all soil piles from adjacent waterways with perimeter erosion control devices;
 - g. Applicants shall revegetate disturbed areas and areas of exposed soil as soon as possible;
 - h. Applicants shall leave existing vegetative buffers undisturbed whenever possible, and minimize vegetation clearing should be kept to a minimum in riparian zones. For areas where construction impacts cannot be avoided, low-growing native tree and shrub buffers along these streams should be allowed to regrow and/or should be replanted to maintain the pre-construction water quality in the streams;
 - i. Applicants must avoid the use of herbicides near waterways, or utilize herbicides approved for use in aquatic environments;
 - j. Applicants shall conduct surface and sub-surface assessments prior to construction, including hydrology and soil evaluations; modify the engineering plans as needed to avoid and minimize long-term impacts to surface and subsurface resources and to re-establish conditions post-construction;
 - k. Applicants shall prepare and implement dewatering practices to prevent sedimentation into waterways;
 - l. Applicants shall avoid the withdrawal of water from surface waters;
 - m. Applicants shall mark temporary clear span bridges (“TCSBs”) to alert navigators;
 - n. Applicants shall restore waterway banks and beds to pre-existing conditions;
 - o. Applicants shall schedule construction to avoid disrupting sensitive species;

- p. Applicants shall limit the amount of time necessary to complete construction;
 - q. Applicants shall check equipment for fluid leaks before crossing TCSBs;
 - r. Applicants shall anchor TCSBs to prevent them washing away during high flow conditions;
 - s. Applicants shall monitor TCSBs daily for debris and remove debris as necessary;
 - t. Applicants shall locate TCSBs to avoid unique or sensitive portions of these waterways, (e.g., riffles, pools, spawning beds, etc.);
 - u. Applicants shall install appropriate sediment control best management practices (“BMPs”) under and on the sides of the TCSB during the installation, use, and removal of TCSBs, and those BMPs must be regularly inspected and maintained throughout the Project;
 - v. Applicants shall landscape to screen structures from the view of river users.
6. The applicants shall avoid construction in areas with known populations of rare plant species or rare herptile species and/or conduct work that could affect such species under frozen ground conditions and/or relocate plants or herptiles to areas of suitable habitat that will not be impacted by the Project.
7. Prior to construction on the authorized route, applicants shall work with the DNR’s NHC program to develop plans for plant surveys in areas where suitable habitat is present.
8. The applicants shall hire and employ an independent environmental monitor to assist the regulatory agencies in ensuring compliance with regulatory requirements, including order and permit conditions. The independent monitor shall be funded by the applicants, would report directly to Commission and DNR staff. The applicants shall work with the Commission and DNR to identify responsibilities and reporting requirements for the independent monitor. A Request for Proposal for the independent monitor shall be issued in consultation with Commission and DNR staff.
9. Following the issuance of all required permits by DNR, applicants shall work with the staff of the DNR and the commission to identify any duplicative, conflicting or unnecessary environmental conditions imposed by this Final Decision. Applicants may seek a waiver from the Commission for any such conditions. The Commission delegates authority to approve such waiver requests to the Administrators for the Division of Energy Regulation and Analysis and the Division of Digital Access, Consumer and Environmental Affairs.
- Chairperson Valcq dissents.
10. The Commission has complied with the Wisconsin Environmental Policy Action (WEPA) pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4.

11. The Project, as conditioned by the Commission's approval, will not have an undue adverse environmental impact.

12. The Commission grants a CPCN for the Project, with conditions.

Chairperson Valcq dissents.

The Commission directed the Division of Energy Regulation and Analysis to draft a final decision consistent with its discussion, and that the draft final decision be returned to the Commission for approval.

The Commission adjourned the meeting at 3:04 p.m.

A handwritten signature in black ink, reading "Steffany Powell Coker". The signature is written in a cursive, flowing style.

Steffany Powell Coker
Secretary to the Commission

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